

**Assembly Joint Resolution**

**No. 10**

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**Introduced by Assembly Member Torlakson**

March 9, 2009

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Assembly Joint Resolution No. 10—Relative to Social Security.

LEGISLATIVE COUNSEL'S DIGEST

AJR 10, as introduced, Torlakson. Social Security: retirement benefits: public employees.

This measure would request the President and the Congress of the United States to enact the Social Security Fairness Act of 2009, which would repeal the Government Pension Offset and the Windfall Elimination Provision from the Social Security Act.

Fiscal committee: no.

- 1 WHEREAS, After 1965, California's educators were not allowed  
2 to participate in the federal social security system; and  
3 WHEREAS, Most peace officers and firefighters, and many  
4 other public employees, are not covered by Social Security; and  
5 WHEREAS, Due to higher contribution rates, the California  
6 State Teachers' Retirement System and the California Public  
7 Employee's Retirement System provide retirees with superior  
8 benefits compared to those provided by the federal social security  
9 system; and  
10 WHEREAS, The State Teachers' Retirement System is not  
11 coordinated with the federal social security system; and  
12 WHEREAS, The benefits of certain members of the Public  
13 Employees' Retirement System and retirement systems established

1 pursuant to the County Employees Retirement Law of 1937 are  
2 not coordinated with the federal social security system; and

3 WHEREAS, The public safety officers' retirement plans are  
4 uniquely designed to address the special needs of their professions,  
5 including firefighters' unique employment characteristics, such as  
6 the physical demands of the job, which ultimately result in higher  
7 injury rates and permanent disabilities; and

8 WHEREAS, The Social Security Act includes two offsets, the  
9 Government Pension Offset and the Windfall Elimination  
10 Provision, that reduce the social security benefits payable to  
11 persons who are entitled to benefits under other retirement systems,  
12 under certain conditions which directly controvert the designed  
13 intention of these California public retirement system plans; and

14 WHEREAS, These provisions penalize individuals who move  
15 from private sector employment to teaching, public safety, and  
16 other careers in public service, and vice versa; and

17 WHEREAS, These provisions penalize individuals who earned  
18 social security benefits through their own employment prior to or  
19 after public service by denying earned benefits; and

20 WHEREAS, California has a significant teacher shortage and  
21 requires more than 16,000 new teachers per year to meet enrollment  
22 growth needs, retirement replacement, as well as class size  
23 reduction in targeted schools; and

24 WHEREAS, Every child should have the opportunity to have  
25 a highly qualified teacher in his or her classroom, but the Social  
26 Security Act offsets limit the number of fully credentialed teachers  
27 in the classroom by penalizing individuals who change from private  
28 to public employment; and

29 WHEREAS, The recruitment and retention of career firefighters,  
30 peace officers, and other public safety officers from other states,  
31 who are entitled to social security benefits upon retirement, are  
32 also limited and restricted by the existing offsets, thereby making  
33 non-social security covered employment less attractive to those  
34 professionals and, as a result, limiting the number of experienced,  
35 knowledgeable people who might otherwise seek out public safety  
36 careers in California; and

37 WHEREAS, The recruitment and retention of teachers and other  
38 public employees from other states, who are entitled to social  
39 security benefits upon retirement, are also limited and restricted  
40 by these offsets; and

1 WHEREAS, The Social Security Fairness Act of 2009, which  
2 would repeal the Government Pension Offset and the Windfall  
3 Elimination Provision, is currently before Congress; and

4 WHEREAS, The elimination of the Government Pension Offset  
5 and the Windfall Elimination Provision would greatly improve the  
6 opportunities for hiring and retaining teachers, peace officers,  
7 firefighters, and other public employees in California; and

8 WHEREAS, The elimination of the Government Pension Offset  
9 and the Windfall Elimination Provision would provide economic  
10 stimulus across California by providing earned retirement benefits  
11 to public servants in every region of this great state during this  
12 time of economic distress; now, therefore, be it

13 *Resolved by the Assembly and the Senate of the State of*  
14 *California, jointly,* That the Legislature of the State of California  
15 requests the Congress of the United States to support the Social  
16 Security Fairness Act of 2009, which would repeal the Government  
17 Pension Offset and the Windfall Elimination Provision from the  
18 Social Security Act, and further, the Legislature of the State of  
19 California requests President Barack Obama to sign that legislation;  
20 and be it further

21 *Resolved,* That the Chief Clerk of the Assembly transmit copies  
22 of this resolution to the President and Vice President of the United  
23 States, to the Speaker of the House of Representatives, the Majority  
24 Leader of the Senate, and to each Senator and Representative from  
25 California in the Congress of the United States.